IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

Smt.Santosh
Vs.
State and anr.

S.B. CRIMINAL REVISION PETITION NO.309/2006
under Section 397 r/w. S.401 Cr.P.C.

Date of Order:- 8/9/2006.

PRESENT
HON'BLE MR.JUSTICE HARBANS LAL

None present for the petitioner.
Mr. Arun Sharma PP for the State.
Mr. O.P. Jhajhria for respondent NO.2.

BY THE COURT:-

None present on behalf of the petitioner to prosecute the application under Section 5 of the Limitation act, 1963 and this revision petition which is directed against the order dated 12/7/2005 passed by the learned Judicial Magistrate First Class, Jhunjhunu in Cr.Regular Case No.243/2003 acquitting the accused persons of the charges for offences under Sections 498-A and 406 I.P.C. Since no one has put in appearance on behalf of the petitioner, I have heard learned Public Prosecutor for the State as well as learned counsel for non-petitioner No.2 and have perused the impugned-order myself.

It may be stated at the outset that the State has not filed any leave to appeal in this matter

against the judgment of acquittal. Otherwise also, the powers of this Court in revision petition against the judgment of acquittal are limited. It is well settled that the order of acquittal cannot be upset unless the order is palpably wrong resulting into grave miscarriage of justice. A perusal of the impugned-order reveals that the evidence on record has been properly examined, scrutinised and appreciated. The prosecution witnesses namely; Keshar Ram PW-6, Phoolchand PW-7, Dheer Singh PW-8 and Norang Singh PW-9 have turned hostile. Kamal Kishor PW-10 is the Investigating Officer. The learned court below has on the basis of the evidence on record come to a conclusion that the dispute between the accused and the complainant was in respect of some dispute with regard to the vehicle and there was neither any cogent and reliable evidence in support of the application nor there was any demand of dowry. There is also no allegation that the accused dishonestly misappropriated the Stridhan or it was demanded back either orally or through some notice in writing and he did not return the same.

In this view of the matter, therefore, the order of acquittal passed by the learned court below does not call for any interference.

This revision petition being devoid of merit and substance and also barred by limitation is not fit to be admitted.

Hence, this revision petition is dismissed.

(HARBANS LAL), J.

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